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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/542,496

07/19/2005

Rigoberto de Leon Fierro

157RF-001

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EXAMINER

VESRA, DINESH K

ART UNIT

PAPER NUMBER

3633

MAIL DATE

DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/542,496	<b>Applicant(s)</b> DE LEON FIERRO, RIGOBERTO	
	<b>Examiner</b> Dinesh Vesra	<b>Art Unit</b> 3633	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 July 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) 1-5 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 6-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 July 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>7/14/2005</u> . | 6) <input checked="" type="checkbox"/> Other: <u>UK Patent Application GB2377460A</u> . |



## **DETAILED ACTION**

### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Drawings***

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "16" and "20" have both been used to designate "crosspieces". Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.
3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 16 – Fig. 10. The specification mentions that Fig. 10 shows a crosspiece, but makes no mention of the reference numeral 16. Corrected drawing sheets in

compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 6, 7, 9-14, 17, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Longinotti (US Patent 3,735,544) in view of Hensley et al. (US Patent 4,205,500).** With regards to claim 6, it has been held that the recitation that an element is "adapted to" perform a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. *In re Hutchison*, 69 USPQ 138.

Regarding claims 6, 19, and 20 Longinotti discloses a planar structure (Fig. 3) comprising a plurality of rectilinear tiles (29); a co-planar series of supports comprising at least two pillars (21) and at least one pole disposed between said pillars (21), and crosspieces (23) within the plane connecting the supports; and a plurality of angles (23A), each angle connected to a tile and to either a support or crosspiece (see Fig. 12). Longinotti does not disclose the tiles joined together in a tongue and groove fashion. Hensley et al. disclose cement tiles (Fig. 1) having a tongue (16) and a groove (14), wherein the tongue of each tile is disposed upwardly, and wherein each tile also has a tongue on a side surface. It would have been obvious to one of ordinary skill at the time the invention was made to provide the tiles of Longinotti with a tongue and groove means of connection in view of the teachings of Hensley et al. The motivation for doing so would be to provide a better connection between each tile.

With regards to claims 7, 9-14, and 17 Longinotti discloses wherein each tile is made of settable material; wherein a plurality of each of the supports and crosspieces forms a lattice (Fig. 3); wherein each of the supports and crosspieces is metal (Column 4, lines 64-69); wherein the angles are connected by bolts (33- Fig. 12); and wherein the structure comprises facing planar surfaces (Fig. 3) with a space therebetween (formed between the panels 29, crosspieces 23, and pillars 21).

6. **Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Longinotti and Hensley et al. as applied to claim 17 above, and further in view of Chambers (US Patent Publication 2002/0170250 A1).** Longinotti and Hensley et al. disclose the structure as set forth above, but do not disclose wherein piping is disposed

within the space. Chambers discloses a space between a wall for wiring and plumbing (Paragraph 28). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include piping in the spaces between the walls of the combination of Longinotti and Hensley et al. in view of the teachings of Chambers. The motivation for doing so would be to have the pipes hidden from view.

7. **Claims 8 and 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Longinotti and Hensley et al. as applied to claim 7 above, and further in view of Armond et al (UK Patent Application GB002377460A).** The combination of Longinotti and Hensley et al. disclose the structure as set forth above, but does not disclose wherein each tile has internal reinforcement comprising a frame disposed within the tile. Armond et al. discloses a concrete tile having steel mesh frame reinforcement (7 – Fig. 1) within the tile. It would have been obvious to one of ordinary skill in this art at the time of the invention to provide the tiles of Longinotti and Hensley et al. with a reinforcing frame in view of the teachings of Armond et al. The motivation for doing so would have been to strengthen the tiles.

The combination of Longinotti and Hensley et al. disclose the structure further comprising a metal lattice spanning the frame, as set forth above. They also disclose the structure as set forth above further comprising extensions extending orthogonal to the frame and projecting beyond the tile surface (65A - Fig. 23).

8. Regarding claims 15 and 16, it is obvious and well known in the art that a connection that is made with bolts can also be made by welding the connected components together.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dinesh Vesra whose telephone number is (571) 270-5221. The examiner can normally be reached on Monday - Thursday 9:00 a.m. - 7:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on (571) 272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/D. V./  
Examiner, Art Unit 3633

/Brian E. Glessner/  
Supervisory Patent Examiner, Art Unit 3633